

ESTTA Tracking number: **ESTTA187449**Filing date: **01/18/2008**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Reliant Energy, Inc.
Granted to Date of previous extension	01/19/2008
Address	1000 Main Street Houston, TX 77002 UNITED STATES
Attorney information	A. Reagan Fibbe and Priscilla L. Dunkel Baker Botts LLP 910 Louisiana Houston, TX 77002 UNITED STATES houtmdpt@bakerbotts.com Phone:713-229-4058

Applicant Information

Application No	77196044	Publication date	11/20/2007
Opposition Filing Date	01/18/2008	Opposition Period Ends	01/19/2008
Applicant	Malone, Amanda R P.O. Box 60301 Houston, TX 77205 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Procurement, namely, purchasing electric energy on the retail and wholesale level for others

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HL&P		
Goods/Services	procurement of energy for others; energy brokerage services; production and generation of energy; distribution and delivery of		

	energy		
U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HOUSTON LIGHTING AND POWER		
Goods/Services	procurement of energy for others; energy brokerage services; production and generation of energy; distribution and delivery of energy		

Attachments	Ntc of Opposition.pdf (3 pages)(119986 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Reagan Fibbe/
Name	A. Reagan Fibbe and Priscilla L. Dunckel
Date	01/18/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

RELIANT ENERGY, INC.	§	
	§	Opposition No. _____
Opposer,		
	§	In the matter of:
	§	
v.	§	Application Serial No. 77/196,044
	§	Mark: HL&P
	§	
AMANDA R. MALONE	§	Filed on June 1, 2007
	§	
Applicant.	§	Published in the Official Gazette
	§	on November 20, 2007

NOTICE OF OPPOSITION

Opposer, Reliant Energy, Inc., a Delaware corporation, having an address of 1000 Main Street, Houston, Texas 77002 (“Opposer”), believes that it will be damaged by registration of the mark HL&P (the “Opposed Mark”) shown in Application Serial No. 77/196,044 (the “Subject Application”), and hereby opposes that application.

As grounds for its opposition, Opposer alleges:

1. Applicant, Amanda R. Malone (“Applicant”), seeks registration of the Opposed Mark for use in connection with procurement, namely, purchasing electric energy on the retail and wholesale level for others, in International Class 35. Applicant filed the Subject Application on June 1, 2007, alleging that Applicant had a bona fide intention to use the Opposed Mark in commerce.

2. Applicant also is seeking registration of the mark HOUSTON LIGHTING AND POWER, shown in Application Serial No. 77/196,036, for use in connection with procurement, namely, purchasing electric energy on the retail and wholesale level for others, in International Class 35. Opposer intends to oppose such application upon its publication.

3. For over a century Opposer, through its predecessor companies, used the HL&P and HOUSTON LIGHTING AND POWER marks (hereinafter collectively referred to as

the "HL&P Marks") in connection with the provision of energy to others. Opposer acquired all right, title and interest in and to the HL&P Marks from its predecessor, Houston Industries, Inc. (Opposer and its predecessors in interest shall be collectively referred to herein as "Opposer.")

4. Opposer used the HL&P Marks extensively in connection with its energy-related services in interstate commerce long before the filing date for the Subject Application, June 1, 2007.

5. During the period of longstanding use of the HL&P Marks for over 100 years, Opposer has expended considerable sums of money in advertising, promoting, marketing and otherwise developing the HL&P Marks.

6. Due to Opposer's use of the HL&P Marks for over 100 years, the HL&P Marks have acquired extensive goodwill and consumer recognition throughout the United States, and the HL&P Marks have become known throughout the United States as an indicator of services provided by Opposer.

7. The Opposed Mark is confusingly similar to the HL&P Marks in sight, sound, and commercial impression. In fact, the Opposed Mark and the Opposer's HL&P mark are identical.

8. The circumstances surrounding the marketing of the services sold under the Opposed Mark are such that it is likely to be encountered by the persons familiar with the HL&P Marks under circumstances that would give rise to the mistaken belief that they originate from or are in some way associated with the same provider. Therefore, the Opposed Mark is likely to cause confusion, or to cause mistake, or to deceive consumers to believe that electric energy sold in connection with the Opposed Mark is provided by, endorsed by, or otherwise connected to, Opposer.

9. On information and belief, Applicant's services are or will be advertised and sold to the same customers as Opposer's services. Consequently, Applicant's use of the Opposed Mark in connection with the services listed in Application Serial No. 77/196,044 is likely to cause consumers to be confused, deceived or misled into the mistaken belief that

Applicant's services emanate from, are affiliated with, or are otherwise related to Opposer, when in fact they are not.

10. For the foregoing reasons, the Opposed Mark is likely to cause confusion, or to cause mistake, or to deceive.

11. Therefore, Opposer will be damaged or harmed by the use and registration of the Opposed Mark.

12. Opposer sent Applicant correspondence by certified mail on January 2, 2008, in an attempt to resolve this matter amicably, but Applicant refused receipt of such correspondence.

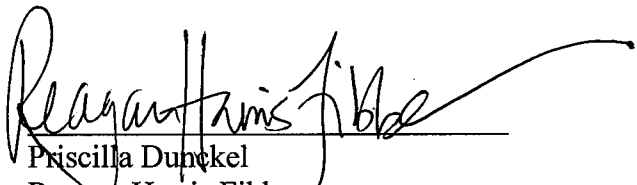
WHEREFORE, Opposer prays that Application Serial No. 77/196,044 be refused, that no registration be issued to the Applicant, and that this opposition be sustained in favor of Opposer.

This Notice of Opposition is being submitted through the Electronic System for Trademark Trials and Appeals (ESTTA). Please charge the requisite \$300.00 fee and any additional fees required to Deposit Account No. 50-1994 of Baker Botts.

Respectfully submitted,

January 18, 2008

By:

A handwritten signature in black ink, appearing to read "Priscilla Dunkel", is written over a horizontal line.

Priscilla Dunkel
Reagan Harris Fibbe
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ATTORNEYS FOR OPPOSER
RELIANT ENERGY, INC.